

REMARKS

Claims 1-7, 9-12, 22, 24, 26-33, 35, 36, 66-68, 70 and 71 were pending in the application when the Office Action was mailed November 12, 2010. The Office Action rejected all claims. Applicant has amended claim 68, and has not canceled or added any claims. Accordingly, claims 1-7, 9-12, 22, 24, 26-33, 35, 36, 66-68, 70 and 71 remain pending.

The previously pending claims were rejected as follows:

- A. Claims 1-4, 6, 7, 9, 11, 12, 27-31, 36, 66 and 67 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent Application Publication 2003/0171984 to Wodka et al. ("Wodka"), U.S. Patent Application Publication 2004/0215514 to Quinlan et al. ("Quinlan"), and U.S. Patent Application Publication 2005/0021400 to Postrel ("Postrel");
- B. Claims 10 and 35 were rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Quinlan, Postrel, and U.S. Patent No. 7,006,983 to Packes, Jr. et al. ("Packes");
- C. Claim 22 was rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Quinlan, Postrel, and U.S. Patent Application Publication No. 2003/0220839 to Nguyen ("Nguyen");
- D. Claim 24 was rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Quinlan, Postrel, and U.S. Patent No. 5,202,826 to McCarthy ("McCarthy");
- E. Claim 26 was rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Quinlan, Postrel, and U.S. Patent No. 6,185,541 to Scroggie et al. ("Scroggie");

- F. Claim 32 was rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Quinlan, Postrel, and U.S. Patent No. 7,221,258 to Lane et al. ("Lane");
- G. Claims 68, 72 and 73 were rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Nguyen, U.S. Patent Application Publication No. 2003/01380890 to Banerjee et al. ("Banerjee"); and
- H. Claims 70 and 71 were rejected under 35 U.S.C. § 103(a) over the combination of Wodka, Nguyen, Banerjee, and U.S. Patent No. 6,587,835 to Treyz et al. ("Treyz").

Applicant respectfully traverses these rejections.

I) Claims 1-7, 9-12, 22, 24, 26-33, 35, 36, 66, and 67

The Office Action rejected claims 1-7, 9-12, 22, 24, 26-33, 35, 36, 66, and 67 over at least Quinlan and Postrel. Because Quinlan cannot be combined to reject the claims and Postrel does not disclose computers communicating rebate-claim-information, applicant respectfully requests withdrawal of these rejections.

A) Quinlan cannot be combined with other references to reject applicant's claims

Quinlan's technique is directed to automating the process consumers undertake to redeem coupons and rebates. Oftentimes, consumers need to cut out and provide an original UPC barcode portion of a product's packaging to receive the rebate. In such cases, the manufacturer's rebate is conditioned on receiving the original UPC barcode. Consumers sometimes delay redeeming rebates because they may want to return a purchased item. When consumers desire to try out a product or may be considering returning it, they delay submitting the rebate request because once a UPC barcode is cut out from a product's packaging, the product cannot be returned to the point of purchase. Accordingly, Quinlan's technique enables a consumer to delay requesting a rebate. (See, e.g., paragraph 17.) Thus, Quinlan's technique teaches away and cannot

be combined with other references to reject applicant's claims. See, e.g., MPEP § 2145(X)(D). Moreover, using Quinlan in a system that provides real-time or near real-time rebates would destroy Quinlan's intended purpose and so again, it cannot be combined with other references to reject applicant's claims. See, e.g., MPEP § 2143.01(V). Applicant thus respectfully requests reconsideration of the claims.

B) Postrel does not disclose computers communicating rebate-claim-information

Claim 1 recites "wherein said second computer is configured to process and validate a rebate claim with said rebate-claim-information, and transfer rebate-claim-status information to said first computer ... wherein said rebate-claim-status information is one of real-time information or near real-time information." According to the Office Action, Postrel discloses this feature at paragraph 67. (Office Action, page 4.) Postrel is directed to using multi-function cards for storing, managing, and aggregating reward points. In the cited paragraph, Postrel discloses uploading coupons from a point-of-sale (POS) terminal to a smart card. Because only a POS terminal and a smart card (presumably belonging to a consumer) are involved in exchanging data, it is impossible to transfer rebate-claim-status information because a computer performing this action is not disclosed to be involved in the transaction.

I) Claims 68 and 70-73

Without conceding the merits of the rejections and only to advance prosecution, applicant has amended claim 68 to now recite "transferring to the third computer rebate-claim-information wherein the transfer occurs substantially contemporaneously with a purchase of the product and the third computer is configured to process and validate a rebate claim with the rebate-claim-information, and transfer rebate-claim-status information to the computer system, and communicating the rebate-claim-status information to the consumer, wherein the rebate-claim-status information is one of real-time information or near real-time information." Applicant respectfully submits that

claims 68 and 70-73 are now allowable for at least the same reasons as the other pending claims.

III) Conclusion

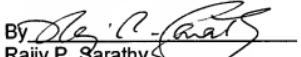
Applicant does not concede any rejection not specifically responded to above. Because the Office Action has not identified where some features are taught or suggested, the Office Action has not made a *prima facie* rejection.

Based on these amendments and remarks, applicant respectfully requests early allowance of this application. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6478.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 320529567US from which the undersigned is authorized to draw.

Dated: February 14, 2011

Respectfully submitted,

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